

Ben C. Clyburn

Chief Judge

DISTRICT COURT OF MARYLAND
ROBERT C. MURPHY COURTS OF APPEAL BLDG.
361 ROWE BOULEVARD, 3RD FL.
ANNAPOLIS, MARYLAND 21401-2395
(410) 260-1525



Joseph Rosenthal

Chief Clerk

DISTRICT COURT OF MARYLAND
MARYLAND JUDICIAL CENTER
580 TAYLOR AVENUE, A-3
ANNAPOLIS, MARYLAND 21401-2395
(410) 260-1235

DISTRICT COURT ADMINISTRATIVE REGULATIONS

I. COURT SESSIONS

All sessions of court are to start promptly at the announced hour. In any instance in which the judge shall not be able to convene court at the stipulated time, a clerk of the court shall advise those in attendance as to the reason for the delay and the probable duration thereof.

II. JUDICIAL ATTIRE

The judge shall be robed for any courtroom proceeding.

III. COUNSEL TABLES - WITNESS STANDS

Unless the Administrative Judge, with the concurrence of the Chief Judge, shall otherwise direct, counsel tables and witness stands shall be utilized in the trial of every case in the Court.

IV. AUDIBILITY OF COURT PROCEEDINGS

In any courtroom in which audio equipment is provided, that equipment shall be utilized. In any courtroom in which audio equipment is not provided, the trial judge shall ensure that all proceedings are conducted in such a manner so that all persons present in the courtroom may hear the proceeding.

V. OPENING STATEMENT

Each session of court shall begin with the judge giving an opening statement, which should be in substantially the following form:

Good Morning. May I have your attention please, so that I may briefly explain to you the procedures to be followed in the courtroom today.

You are attending a session of the District Court of Maryland, sitting in and for the County of _____. The business before this court is of a very serious nature, and it is necessary for you to cooperate in maintaining the level of dignity required to permit this court to function fairly and efficiently. All of the proceedings before this court are recorded on electronic equipment. This equipment is extremely sensitive and will pick up even whispered conversations in the rear of the courtroom. It is necessary, therefore, that you remain quiet at all times while court is in session.

When the case in which you are involved is called, please come forward. At that time the Court will carefully explain all of the procedures that are to be followed and answer any questions you may have. This court is a part of the judicial branch of your State government. It is an independent tribunal and is not a part of the police department, nor is it a part of the Motor Vehicle Administration. Each judge of this court has taken an oath to decide all cases fairly and impartially and solely on the basis of the evidence presented. Each trial will be conducted so as to provide the participants with all of the rights and privileges to which they are entitled under the laws of this state and the United States, and every decision of this court will be reached in conformity with the Constitution and laws of the State of Maryland and the United States.

Thank you.

VI. ACCESS TO DISTRICT COURT RECORDINGS

A party to any case, or the attorney for any party, may be permitted to listen to the recording of the trial of that case, at such times and such places as a judge of the Court shall determine to be appropriate. Any person who is not a party is not entitled to listen to the recording of any case, but may, upon payment of the cost for same, be permitted to have a recording of any proceeding held in the District Court. Any judge of the District Court may waive the provisions of this regulation and permit persons who are not parties to a case to listen to the recording of that case where the judge believes such action to be consistent with the proper administration of justice.

VII. TRANSCRIPTS AND RECORDINGS: WHEN, WHERE, HOW ACQUIRED, AND COSTS THEREOF

A. Transcripts. In any case where an appeal has been noted from a judgment of the District Court in a civil case where the amount in controversy exceeds \$5,000.00, a transcript of the proceedings shall be prepared by personnel of the District Court, at a cost of \$3.00 per page for an original and one copy. A request for such transcript shall be in writing, addressed to the Administrative Clerk, and shall be filed with the clerk. The request shall be accompanied by a deposit of \$75.00, unless the Administrative Judge shall direct in a particular case that the party requesting the transcript make a deposit in a greater or lesser sum.

B. Recordings. The Court will not prepare written transcripts of any proceeding from which, by law, a de novo appeal may be taken, but will in such cases provide to anyone desiring to purchase the same a recording of any such proceeding. A request for such a recording shall be in writing, addressed to the Administrative Clerk, and shall be filed with the clerk, together with a deposit of \$15.00 per proceeding.

VIII. TRIALS - WHERE RECORDING NOT POSSIBLE

When, for any reason, a trial cannot be recorded as required by MD rule 16-404,^{*} no trial may be held unless all parties to the trial agree to and sign a waiver of the right to have said trial recorded. Where any party to a case is not willing to sign a waiver, the case shall be postponed.

(*Md rule 16-404 derived from former rule MDR 1224)

IX. HOURS OF COURT

A. Every court shall be in session at least each day from Monday through Friday, except on holidays as defined in the Maryland Rules of Procedure. No trials or other court proceedings shall be conducted on such holidays, except in emergency matters or when ordered by the Chief Judge or a judge of the particular court, as the judicial business and public welfare may require. All scheduled proceedings shall stand for hearing at 9:00 a.m., unless otherwise ordered by the Court in a particular matter or otherwise authorized by the Chief Judge of the District Court.

B. No judge of the District Court shall depart from the court of assignment prior to 4:30 p.m. on any work day, without first obtaining approval of the Administrative Judge of the district for such early departure. Such approval shall not be granted unless the Administrative Judge determines that there is no additional court business which could be satisfactorily disposed of that day by the requesting judge.

X. HOURS OF CLERKS' OFFICES

The clerical offices of the District Court shall be open to the public from at least 8:30 a.m. to 4:30 p.m., Monday through Friday of each week. Each clerical office shall also be open during such additional hours and on such additional days as the Administrative Judge of the district or the Chief Judge of the Court shall prescribe. The offices shall not be open on holidays as defined in the Maryland Rules of Procedure.

XI. FEES - WHERE NOT REQUIRED

No fee of any kind shall be charged for the issuance, cancellation or dismissal of any charging document.

XII. NOTICE AND TRIAL - PROBATION VIOLATIONS

A warrant or notice of violation of probation shall be issued only by the sentencing judge and the charge of violation of probation shall be heard only by the sentencing judge wherever practicable; provided, however, that if the term of office of the sentencing judge has expired, or that judge has been removed from office, has died, has resigned, or has otherwise become incapacitated, the Administrative Judge of any district shall assign any judge of that district to consider whether such warrant or notice should issue and to try the said violation.

XIII. CANCELLATION OF CHARGING DOCUMENT

A. A bench warrant or a warrant issued for the failure of a defendant to appear at trial may be recalled by the issuing judge at any time.

B. Any other charging document must be disposed of at trial, unless nolle prosequi by the State's Attorney as provided by MR 4-247, or disposed of by the Court in accordance with the provisions of Courts Article, Section 1-605(d)(7).

XIV. SUMMONS - RETURN DATE

All summonses for defendants in criminal cases shall, at the time of issuance, bear a return date of not less than 72 hours prior to the scheduled trial.

XV. POSTPONEMENTS

No motion for the postponement or continuance of any case shall be considered, unless made in the following manner:

A. Five or More Days Prior to Trial. Every person desiring to have any civil, criminal or traffic case continued or postponed shall, at least five calendar days prior to the scheduled trial date, file a motion for such postponement or continuance with the clerk of the court specifically designated to consider such motions. Such motion shall not be granted by the clerk except for good cause shown. If such motion is denied by the said clerk, the party requesting the postponement or continuance may then address the motion to the presiding judge of that court.

B. Less Than Five Days Prior to Trial. Any motion for postponement or continuance of any civil, criminal or traffic case made within five days of the scheduled trial date shall be addressed directly to the presiding judge of that court.

C. Designation of Postponement Clerk. Each administrative judge shall designate one or more clerks at each court location throughout the district to consider motions for postponements or continuance pursuant to this regulation.

XVI. PERSONAL CHECKS

Personal checks shall not be accepted for purposes of posting bond in any case. Personal checks shall be accepted in payment of motor vehicle and natural resources fines, and shall be accepted for payment of costs in any civil case. Personal checks shall be accepted routinely in payment of fines in a criminal case, except in cases where the defendant is convicted of writing a bad check. In those cases, a check will be accepted only when specifically authorized by a judge.

XVII. PRESET FINES - MOTOR VEHICLE

The attached schedule of preset fines and/or penalty deposits is to be effective for those individuals charged with a violation of the Transportation Article who are desirous of waiving their right to trial and pleading guilty to the offense charged, by payment of the appropriate fine. Where in the schedule the letters "MA" appear opposite a particular offense, the individual charged with that offense is not entitled to prepay a fine, but is required to stand trial.

XVIII. PRESET FINES - NATURAL RESOURCES

The attached schedule of preset fines and/or penalty deposits is to be effective for those individuals charged with a violation of the Natural Resources Law who are desirous of waiving their right to trial and pleading guilty to the offense charged by payment of the appropriate fine. Where in the attached schedule the words "Must Appear" are indicated opposite a particular

offense, the individual charged with that offense is not entitled to prepay a fine, but is required to stand trial.

XIX. CIVIL COSTS

A. In all civil cases, excepting those noted below, the required costs, including the fee for service of process, shall be paid at the time the complaint, writ, petition or request is filed.

Exceptions:

(1) The State of Maryland and officers, agencies, and departments thereof shall not be taxed costs in any District Court proceeding;

(2) Advance payment of costs shall not be required in a case in which the plaintiff/petitioner is represented by counsel paid through JUDICARE; provided by Maryland Legal Aid Bureau, Inc.; or retained through a pro bono or legal services program that is recognized by Maryland Legal Services Corporation if the program provides the clerk with a memorandum that names the program, attorney(s) and client(s) and that specifies that representation is being provided for client(s) meeting the financial eligibility criteria of the corporation.

(3) Advance payment of costs shall not be required in a case filed by a county or municipality of the State of Maryland.

B. In any civil case in which no advance costs have been paid, the Court shall allow costs in favor of the prevailing party.

If the judgment creditor is the prevailing party, he shall, upon being paid all amounts due, including costs, furnish to the judgment debtor and file with the clerk a written statement (order of satisfaction) that the judgment has been satisfied. The clerk shall not accept the order for filing unless the costs are tendered with it.

If the judgment debtor is the prevailing party, the clerk shall bill the plaintiff for all costs, except no payment is required by the State of Maryland.

C. The attached schedule is hereby adopted as the costs to be paid for all proceedings in any civil case in the District Court.

XX. SMOKING OR OTHER USE OF TOBACCO PRODUCTS

Rescinded effective November 16, 1992 due to enactment of Chief Judge Murphy's Administrative Order pertaining to smoking in Judicial Branch locations.

XXI. PRAYER FOR JURY TRIAL IN CRIMINAL CASES IN BALTIMORE CITY

Rescinded effective July 1, 1999 in light of the adoption of, and the reason therefor, of Maryland Rule 4-301.

XXII. PRAYER FOR JURY TRIAL IN CRIMINAL CASES
IN MONTGOMERY COUNTY

Rescinded effective July 1, 1999 in light of the adoption of, and the reason therefor, of Maryland Rule 4-301.

XXIII. PRAYER FOR JURY TRIAL IN CRIMINAL CASES
IN BALTIMORE COUNTY

Rescinded effective July 1, 1999 in light of the adoption of, and the reason therefor, of Maryland Rule 4-301.

XXIV. PRAYER FOR JURY TRIAL IN CRIMINAL CASES
IN HARFORD COUNTY

Rescinded effective July 1, 1999 in light of the adoption of, and the reason therefor, of Maryland Rule 4-301.

XXV. PRAYER FOR JURY TRIAL IN CRIMINAL CASES
IN ANNE ARUNDEL COUNTY

Rescinded effective July 1, 1999 in light of the adoption of, and the reason therefor, of Maryland Rule 4-301.

XXVI. PRESET FINES - ENVIRONMENT

Rescinded effective October 1, 2002.

XXVII. HANDGUNS AND OTHER TYPES OF FIREARMS ON COURT PREMISES

No individual may carry onto any portion of District Court premises a handgun or other type of firearm, except the following in connection with the performance of their official duties:

Maryland Police Officers;
Members of the duly constituted police department of any Maryland County or Baltimore City, or any other duly constituted municipality in this state, or any state university or college;
City and County Sheriffs, and their deputies;
Security Services who transport prisoners;
Natural Resources Police Department;
Maryland Transportation Authority Police;
Mass Transit Administration Police;
Members of the Federal Bureau of Investigation, Drug Enforcement Agency, U.S. Marshals, Bureau of Alcohol, Tobacco and Firearms, and members of the United States Secret Service;
Correctional Officers (on duty);
Armored Express and other bonded couriers on court business;

State Fire Marshal Officers;
Constables of the District Court who are authorized to carry handguns, and
District Court Bailiffs (while on duty, with permit).

All other individuals having handguns or other types of firearms in their possession are to deliver such weapons to the bailiff of the Court, who shall properly safeguard the said weapon while the owner thereof remains on court premises.

**XXVIII. CIVIL PREPAYMENT AMOUNT - TRAFFIC CONTROL SIGNAL
MONITORING SYSTEMS**

By the authority vested in me under Transportation Article Section 21-202.1 of the Annotated Code of Maryland, the amount which may be paid by any person choosing to prepay the civil penalty without appearing in the District Court of Maryland shall be \$75.00, which includes costs.

**XXIX. CIVIL PREPAYMENT AMOUNT - ALCOHOLIC BEVERAGE
CONSUMPTION OR POSSESSION OR OPEN CONTAINER
IN PASSENGER AREA OF MOTOR VEHICLE**

By the authority vested in me under Criminal Law Article Section 10-116 of the Annotated Code of Maryland, the amount which may be paid by any person choosing to prepay the civil penalty without appearing in the District Court of Maryland shall be \$20.00, which includes costs.

**XXX. PRESET FINES - MARYLAND-NATIONAL CAPITAL PARK
AND PLANNING COMMISSION**

The attached schedule of pre-set fines and/or penalty deposits is to be effective for those individuals charged with a violation of Article 28 Section 5-113.1 of the Annotated Code of Maryland who are desirous of waiving their right to trial and pleading guilty to the offense charged by payment of the appropriate fine.

Ben C. Clyburn
Chief Judge
District Court of Maryland

Revised January 1, 2005

DCAR XXX
FINE SCHEDULE
ARTICLE 28, SECTION 5-113.1 AND REGULATIONS

The fine listed below is to be utilized by all law enforcement officers and District Court Commissioners when issuing charging documents in the District Court which charge a violation of any of the provisions of Article 28, Section 5-113.1 listed below. The fine listed below is mandatory and cannot be altered by the officer or a commissioner. Court costs are included in the prepayable fine amount listed below.

NOTE: In addition to the penalties in paragraph (I) (II) of this sub-section, the court may order the license under which the person operated in the commission of the violation to be suspended for 12 months from the date of the subsequent conviction.

OFFENSE CODE	DESCRIPTION	PREPAYABLE FINE AMOUNT	MAXIMUM PENALTY
5-113.1	Illegal hunting on land owned by the Maryland Capital Park and Planning Commission	\$120.00	1 st 1500 + court costs; 2 nd 4000 + court costs and/or 1 yr.